IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 23850 of 2004

Between:

Manzoor Rahaman Khan, S/o Imam Khan,
r/o 11-127, Vinayakanagar, Atchampet, Mahabubnagar District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Atchampet Depot,

Mahbubnagar District.
2 The Regional Manager, APSRTC, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of respondents in not giving special grade stagnation increments to the petitioner with effect from completion of 12 years service in APSRTC, as arbitrary, illegal and contrary to the circular and judgments of this Hon'ble Court and consequently direct the respondents to give special grade stagnation increments to the petitioner on completion of 12 years service by considering petitioner representation dt.18-8-2002 and pass such orders.

Counsel for the Petitioner: MR.K.VENKATESWARLU

Counsel for the Respondents: MR P.VINAYAKA SWAMY

The Court at the stage of admission made the following:

HONOURABLE MR.JUSTICE K.C.BHANU

WRIT PETITION NO.23850 OF 2004

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ORDER:

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Not for granting twelve years stagnation increment to the petitioner by the respondents, the present writ petition is field.

2. The learned counsel for the petitioner contended that the writ petitioner completed twelve years of service as a Grade II Driver, but no stagnation increment has been granted and hence, he prays to grant stagnation increment.

3. The learned counsel for the respondent-Corporation contended that the writ petitioner has not completed twelve years of service in one region and therefore, he is not entitled for grant of twelve years increment.

4. The facts are not in dispute. The petitioner was appointed as a Driver in Allagadda, Kurnool Region on 10.12.1974. He had worked at various places and lastly he retired from service on attaining superannuation on 13.11.2002. By circular No.20-63/89 dated 03.06.1989 certain instructions have been issued by the respondent-Corporation to give stagnation increments to its employees who have completed twelve years of service. The petitioner has completed twelve years of service long back and for that purpose he made a representation to the respondent-Corporation on 18.08.2002. As per the circular, all the employees who have completed twelve years of service in the same category are eligible to the stagnation increment. Similar view has been taken by the Division Bench of this Court in W.A.No.1301 of 2000 dated 29.10.2002 where under it has confirmed the orders passed in W.P.No.5726 of 2000 dated 23.08.2000 where under it is held that all the employees working in the respondent-Corporation are entitled to stagnation increment/grade, provided they have completed twelve years of service in the same category. Such

completion of twelve years in the same category may not be necessarily in the same division. What is required to be taken is the total length of service of the employees concerned in that particular category.

5. Therefore, the writ petition is allowed directing the respondents to give twelve years stagnation increment to the petitioner, if he acquired 12 years service in any category irrespective of region or depot, within two months from the date of receipt of a copy of this order. No order as to costs.

22nd December, 2004. ----------

K.C.BHANU, J

Note:

Furnish C.C. within three days.

B/O

SKM

TO

1 The Depot Manager, APSRTC, Atchampet Depot,

Mahbubnagar District.

2 The Regional Manager, APSRTC, Mahabubnagar.

3 Two C.D. Copies.